

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY DACCA

C O N F I D E N T I A L STATE 140365

E.O. 11652: GDS

TAGS: SHUM , BG

SUBJECT: HUMAN RIGHTS: COUNTRY EVALUATION PLAN FOR  
BANGLADESH

REF: STATE 133681

1.THERE FOLLOWS THE FIRST DRAFT OF A HUMAN RIGHTS COUNTRY  
EVALUATION PLAN FOR BANGLADESH. AS PER REFTTEL, EMBASSY  
COMMENTS AND SUGGESTIONS ARE REQUESTED ASAP. IN PARTICULAR  
WE WOULD APPRECIATE YOUR COMMENTS AND/OR ADDITIONAL INFOR-  
MATION ON THE SECTIONS MARKED WITH (???).

2. QUOTE:

BACKGROUND

BANGLADESH IS ONE OF THE WORLD'S MOST IMPOVERISHED AND  
OVER-POPULATED COUNTRIES. SINCE ITS INDEPENDENCE FROM  
PAKISTAN IN 1971, ITS POLITICAL AND SOCIAL HISTORY HAS BEEN  
TROUBLED. EVEN BEFORE THE 1975 COUP WHICH CAUSED THE  
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DEATH OF SHEIKH MUJIBUR RAHMAN (MUJIB), THE COUNTRY'S  
FOUNDER, THE COUNTRY WAS, AS IT CONTINUES TO BE, CHRONI-  
CALLY UNSTABLE.

BANGLADESH IS PRESENTLY UNDER MARTIAL LAW FOR WHICH THE  
CONSTITUTION MAKES NO PROVISION. THE MARTIAL LAW ADMINI-  
STRATION (MLA), HEADED BY THE CHIEFS OF THE THREE SERVICES,  
DESCRIBES ITSELF AS A TEMPORARY REGIME WHOSE ROLE IS TO  
RESTORE LAW AND ORDER AND EQUAL JUSTICE AS A PRELIMINARY  
TO ELECTIONS AND REPRESENTATIVE GOVERNMENT. PARLIAMENT

WAS DISSOLVED WHEN MARTIAL LAW WAS DECLARED IN NOVEMBER 1975.

THE BANGLADESH CONSTITUTION OF 1972 INCORPORATES A BROAD RANGE OF RECOGNIZED RIGHTS AND GUARANTEES, BUT DUE TO A SERIES OF AMENDMENTS AND A PARTIAL SUSPENSION OF DOCUMENT ITSELF, THESE HAVE LITTLE LEGAL MEANING TODAY.

A. CONDITIONS OF HUMAN RIGHTS IN BANGLADESH.

1. RESPECT FOR THE INTEGRITY OF THE PERSON. THERE IS NO EVIDENCE THAT THE MLA ENCOURAGES OR CONDONES TORTURE, DEGRADING TREATMENT, OR KILLING. (???) IT IS A CRIME TO COERCE OR INTIMIDATE CITIZENS OR ABUSE POLICE POWERS. THE MLA IS ATTEMPTING TO IMPROVE THE DISCIPLINE AND CALIBRE OF THE POLICE FORCE.

THE DEGREE TO WHICH THE MLA EMPLOYS ARBITRARY ARREST OR DETENTION IS UNKNOWN. LATE LAST YEAR THE GOVERNMENT ARRESTED UP TO 100 POLITICAL LEADERS (INCLUDING A FORMER PRESIDENT) AND MIDDLE LEVEL WORKERS, APPARENTLY FOR POLITICAL ACTIVITIES. IN THE SUBSEQUENT MONTH, HOWEVER, ACCORDING TO AUNSUBSTANTIATED BANGLADESH RADIO BROADCAST, THE GOVERNMENT RELEASED 1,952 UNDER-TRIAL PRISONERS AND POLITICAL DETAINEES. THE BROADCAST STATED THAT THIS BROUGHT THE TOTAL NUMBER OF POLITICAL DETAINEES RELEASED  
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BY THE MLA TO 2,837 AND QUOTE UNDER-TRIAL PRISONERS UNQUOTE TO 6,887. IT IS UNCLEAR HOW MANY OF THESE HAD BEEN JAILED BY THE PRESENT REGIME AND HOW MANY BY ITS PREDECESSORS AND, ALSO, HOW MANY PERSONS REMAIN IN JAIL FOR POLITICAL REASONS. (???)

AT PRESENT TWO COURT SYSTEMS OPERATE IN BANGLADESH. CIVIL COURTS HAVE JURISDICTION IN MOST CASES BUT IN PARTICULAR INSTANCES, CASES INVOLVING TREASON, SEDITION, CORRUPTION, SMUGGLING AND OTHER CHARGES WHICH ARE DEFINED AS QUOTE ANTI-STATE CRIMES UNQUOTE, MARTIAL LAW COURTS ASSUME JURISDICTION. MANY, IF NOT MOST, MARTIAL LAW COURT PROCEEDINGS ARE HELD IN CAMERA. THE FORMER PRESIDENT WHOSE ARREST WAS NOTED ABOVE WAS TRIED SEPARATELY ON THREE SETS OF CHARGES BY MARTIAL LAW COURTS AND FOUND GUILTY BY TWO.

WE HAVE NO INFORMATION THAT BANGLADESHIS' HUMAN RIGHTS ARE VIOLATED THROUGH INVASION OF THE HOME. (???)

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES. THE BAN ON POLITICAL ACTIVITIES HAS RESTRICTED FREEDOM OF ASSEMBLY BUT THIS IS NOW BEING LIFTED AS POLITICAL PARTIES ARE PERMITTED TO RESUME ACTIVITIES. THE RIGHT OF FREE EXPRESSION, INCLUDING A FREE PRESS, HAS BEEN CURTAILED BY THE STATE OF EMERGENCY AND THE MARTIAL LAW REGULATIONS. THE GOVERNMENT

HAS PLEDGED ITS EARLY RESTORATION.

BANGLADESHIS, INCLUDING THE SUBSTANTIAL (16 ) HINDU MINORITY, ENJOY FREEDOM OF RELIGION. THE MILLIONS OF BANGLADESHIS, MOST OF WHOM WERE HINDUS, WHO FLED THEIR VILLAGES FOR INDIA IN 1971, RETURNED TO THEIR HOMES THE FOLLOWING YEAR.

BANGLADESHIS, INCLUDING THE QUOTE BIHARI UNQUOTE (NON-BENGALI MUSLIM) MINORITY, HAVE FREEDOM OF MOVEMENT WITHIN BANGLADESH. ALL BANGLADESHIS WHO ARE REGARDED AS CITIZENS ARE ENTITLED TO RECEIVE PASSPORTS AND TRAVEL ABROAD.  
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HOWEVER, THOSE QUOTE BIHARIS UNQUOTE WHO HAVE APPLIED FOR QUOTE REPATRIATION UNQUOTE TO PAKISTAN, WHICH IS TO DATE UNWILLING TO ACCEPT THEM, ARE REGARDED AS HAVING FORFEITED THEIR CITIZENSHIP AND THUS INELIGIBLE FOR PASSPORTS. THEY ARE THUS IN A LEGAL LIMBO AS STATELESS PERSONS. BANGLADESHIS ARE FREE TO EMIGRATE ABROAD.

POLITICAL PARTIES, TEMPORARILY BANNED FOLLOWING THE NOVEMBER 1975 COUP, ARE PERMITTED LIMITED ACTIVITY, INCLUDING HOLDING PUBLIC MEETINGS. TO BE PERMITTED ACTIVITY, A PARTY MUST MEET MLA REQUIREMENTS RELATING TO ORGANIZATIONS, FINANCING AND MANIFESTOS. TO DATE, 23 PARTIES HAVE BEEN APPROVED FOR ACTIVITIES. RESTORATION OF POLITICAL ACTIVITIES IS A PRELUDE TO GENERAL ELECTIONS WHICH ARE SCHEDULED FOR THE END OF 1978. IN THE MEANTIME, A REFERENDUM ON PRESIDENT ZIA'S RULE WAS HELD IN MAY 1977. IN A POLL IN WHICH AN 87 PERCENT VOTER TURNOUT HAS BEEN OFFICIALLY REPORTED, ZIA WON A 98 PERCENT POSITIVE VOTE. WHILE REPRESENTATIVES OF MOST POLITICAL PARTIES APPLAUDED THE RESULTS, SOME BANGLADESHIS AND FOREIGN OBSERVERS HAVE QUESTIONED CLAIMED VOTER PARTICIPATION.

AS PART OF PRESIDENT ZIA'S PROGRAM TO INSTALL POPULAR LOCAL GOVERNMENT BODIES, ELECTIONS FOR UNION (GROUPS OF VILLAGES) COUNCILS WERE HELD IN JANUARY 1977. FURTHER ELECTIONS, FOR MUNICIPAL AND DISTRICT COUNCILS, ARE PLANNED WITHIN THE NEXT FEW MONTHS.

### 3. RECENT TRENDS IN GOVERNMENT POLICIES

A. BANGLADESH HAS ONE OF THE LOWEST STANDARDS OF LIVING IN THE WORLD. EVEN THE RELATIVELY WELL-TO-DO MIDDLE CLASSES ARE POOR BY WESTERN STANDARDS. THE SHARP CONTRASTS BETWEEN ECONOMIC GROUPS WHICH SOMETIMES OCCUR IN OTHER COUNTRIES ARE SELDOM NOTED IN BANGLADESH. IF ONE ACCEPTS THAT THE AVERAGE BANGLADESHI IS POOR, THEN ALMOST ALL  
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GOVERNMENT POLICIES ARE DESIGNED TO RESPOND TO THE NEEDS OF THE POOR. IN ONE AREA, ACCESS TO THE RATION SHOP SYSTEM WHICH PROVIDES SPECIFIC RESIDENTS OF SOME URBAN AREAS WITH SUBSIDIZED FOOD, THE POOR ARE SOMEWHAT DISADVANTAGED. THIS IS BECAUSE THE HIGHEST PREFERENCE IN THE SYSTEM IS GIVEN TO GROUPS SUCH AS GOVERNMENT EMPLOYEES WHO ARE OFTEN MIDDLE CLASS. THE POOREST OF THE POOR DO HAVE ACCESS TO THE SYSTEM BUT ONLY AFTER THE NEEDS OF THE OTHERS ARE MET.  
(???)

B. WHILE CORRUPTION IN GOVERNMENT IS SOMETIMES REGARDED AS ENDEMIC IN THE SUBCONTINENT, THE MAJORITY OF THE BANGLADESHI POPULATION IS NOT NOTICEABLY AFFECTED BY DIVERSION OF RESOURCES TO THE ELITE THROUGH CORRUPT MEANS.  
(???)

4. THE ABOVE MENTIONED VIOLATIONS OF FUNDAMENTAL HUMAN RIGHTS ARE THE RESULTS OF GOVERNMENT ACTION, THUS THE GOVERNMENT MUST ASSUME RESPONSIBILITY FOR THEM. AT THE SAME TIME, THE SITUATION MUST BE SEEN IN PERSPECTIVE. THE SHORT HISTORY OF BANGLADESHI INDEPENDENCE HAS BEEN STORMY, MARKED BY THREE POLITICAL COUPS, ENDEMIC GUERRILLA INSURGENT ACTIVITIES, AND ECONOMIC CHAOS IN WHICH THOUSANDS HAVE STARVED TO DEATH WHILE MILLIONS MORE LIVE IN DESPERATE CIRCUMSTANCES. AGAINST THIS BACKGROUND, THE MLA'S EXPLANATIONS THAT LIMITS ON FUNDAMENTAL HUMAN RIGHTS ARE NECESSARY SEEM PLAUSIBLE, AT LEAST UNTIL GREATER STABILITY IS DISCERNIBLE.

5.

A. WE HAVE LITTLE INFORMATION REGARDING THE BDG'S WILLINGNESS TO ALLOW INDEPENDENT OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS. AMNESTY INTERNATIONAL OFFICIAL<sup>6</sup>, SEAN MCBRIDE, REPORTEDLY VISITED BANGLADESH THIS YEAR, BUT WE HAVE NO DETAILS OF HIS RECEPTION, IF ANY TOOK PLACE, CONFIDENTIAL

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BY BANGLADESH OFFICIALS.(???) THE DEPARTMENT IS UNAWARE THAT ANY AMERICANS HAVE BEEN DENIED ENTRY TO BANGLADESH TO PURSUE THE SUBJECT. ON THE SEVERAL OCCASIONS WHEN EMBASSY PERSONNEL HAVE DISCUSSED EITHER SPECIFIC OR GENERAL HUMAN RIGHTS SUBJECTS WITH THEM, BDG OFFICIALS HAVE BEEN GENERALLY RESPONSIVE.

B. ANALYSIS AND RECOMMENDATIONS

1. OUR MOST IMPORTANT OBJECTIVE FOR IMPROVING HUMAN RIGHTS CONDITIONS IN BANGLADESH OVER THE NEXT SEVERAL MONTHS SHOULD BE TO ENCOURAGE THE BDG TO CONTINUE ITS STATED GOAL

OF ENDING MARTIAL LAW AND A RETURN TO DEMOCRATIC RULE. AS THERE HAS ALREADY BEEN SOME MOVEMENT IN THIS DIRECTION AND MORE ANNOUNCED, IT SEEMS FEASIBLE THAT THE BANGLADESHI GOAL CAN BE MET WITHIN THE PROPOSED TIME FRAME, THE END OF 1978. OUR FRIENDLY RELATIONS AND POSITION AS THE LARGEST DONOR OF FOREIGN ASSISTANCE GIVE US SOME LEVERAGE WITH THE BDG, ALTHOUGH IT WOULD BE EASY TO OVERSTATE THE DEGREE OF THAT INFLUENCE. IT SEEMS PROBABLE THAT ONLY FROM THE RANKS OF THE WESTERN DEMOCRACIES WHICH HAVE REPRESENTATIVES IN DACCA COULD SUPPORT FOR OUR EFFORTS BE DRAWN. SOME OF THESE GOVERNMENTS, THOUGH, PROBABLY WOULD BE CHARY OF BEING SEEN AS INTERFERING IN THE INTERNAL AFFAIRS OF BANGLADESH.

#### OPTIONS

A. THROUGH QUIET DIPLOMACY, CONTINUE TO MAKE KNOWN TO THE BANGLADESHIS OUR INTEREST IN HUMAN RIGHTS. IN PARTICULAR, WE SHOULD NOTE OUR APPROVAL OF THE MLA'S ANNOUNCED STEPS TOWARD RETURNING BANGLADESH TO DEMOCRATIC RULE BY THE END OF 1978. AT THE SAME TIME, WE WOULD CONTINUE OUR ECONOMIC ASSISTANCE AT THE PRESENT LEVEL. THIS COURSE OF ACTION WOULD DOUBTLESS BE ACCEPTABLE TO THE BANGLADESHIS AS IT ACCORDS WITH THEIR ANNOUNCED  
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INTENTIONS AND WOULD NOT BE SEEN AS PRESSURING.

B. WE COULD CONDITION A CONTINUATION OF OUR HIGH LEVEL ECONOMIC ASSISTANCE TO BANGLADESH TO AN IMMEDIATE IMPROVEMENT IN THE HUMAN RIGHTS SITUATION THERE.

2. AMBASSADOR MASTERS IN DACCA HAS ALREADY RAISED THE ISSUE ON HUMAN RIGHTS WITH GENERAL ZIA AND HAS DISCUSSED HUMAN RIGHTS MATTERS SEVERAL TIMES WITH THE BANGLADESH FOREIGN SECRETARY. IN ADDITION, THE EMBASSY STAFF HAS MADE OUR POSITIONS KNOWN TO WORKING LEVEL OFFICIALS IN THE FOREIGN MINISTRY. TO DATE, BANGLADESH REACTION TO OUR OVERTURE HAS BEEN RECEPTIVE.

3. IT SHOULD BE EXPECTED THAT LEADERS OF INFLUENTIAL GROUPS IN SOCIETY WOULD REACT POSITIVELY TO OUR LOW-KEY,

UNPUBLICIZED DIPLOMATIC EFFORTS REGARDING HUMAN RIGHTS. IF OUR EFFORTS WERE SEEN AS TOO OVERT AND PRESSURING, HOWEVER, THEY, AS GOOD BANGLADESHI NATIONALISTS, WOULD DOUBTLESS CONSIDER OUR ACTIONS AS INTERFERENCE IN BANGLADESH'S INTERNAL AFFAIRS.

4.

A. THE PROBLEM OF INSTABILITY WHICH IS LARGELY RESPON-

SIBLE FOR THE CURRENT CURTAILMENT OF HUMAN RIGHTS IN BANGLADESH IS GROUNDED IN THE ECONOMIC PLIGHT OF ITS IM-POVERISHED MASSES. UNTIL MOST BANGLADESHIS ARE RAISED ABOVE A SUBSISTANCE LEVEL, HUMAN RIGHTS MATTERS CAN BE EXPECTED TO TAKE SECOND PLACE IN BDG CONSIDERATIONS. ATTEMPTING TO TIE ECONOMIC ASSISTANCE TO HUMAN RIGHTS, IF WE WERE SERIOUS ABOUT A SLOW-DOWN IN AID AND THE BDG NOT WILLING TO IMPROVE THE HUMAN RIGHTS SCENE, COULD RESULT IN AN EXACERBATION OF THE SITUATION. IN ADDITION, AS AN INCREASE IN POLITICAL ACTIVITY THERE COULD WELL BE UN-CONFIDENTIAL

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SETTLING, WE WOULD HAVE TO ASSUME RESPONSIBILITY FOR ANY INSTABILITY SPARKED BY OUR PRESSURES FOR A POLITICAL RELAXATION.

B. NOT APPLICABLE

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